

CITY OF PASADENA
City Council Minutes
November 23, 2015 – 5:30 P.M.
City Hall Council Chamber

REGULAR MEETING

OPENING:

Mayor Tornek called the regular meeting to order at 5:30 p.m.
(Absent: Councilmember Hampton)

On the order of the Mayor, the regular meeting recessed at 5:30 p.m., to discuss the following closed sessions:

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
regarding pending litigation pursuant to Government Code
Section 54956.9(d)(1)**

Name of Case: City of Pasadena v. Wooten

LASC Case No.: BC585988

**CITY COUNCIL CONFERENCE WITH LEGAL COUNSEL
regarding consideration of initiation of litigation pursuant
to Government Code Section 54956.9(d)(4): One potential
case**

The above two closed session items were discussed, with no reportable action at this time.

On order of the Mayor, the regular meeting reconvened at 6:30 p.m. The pledge of allegiance was led by Mayor Tornek.

ROLL CALL:

Councilmembers:

Mayor Terry Tornek
Vice Mayor Gene Masuda
Councilmember Victor Gordo
Councilmember Tyron Hampton (Arrived at 6:50 p.m.)
Councilmember John J. Kennedy (Arrived at 6:32 p.m.)
Councilmember Steve Madison
Councilmember Margaret McAustin
Councilmember Andy Wilson

Staff:

City Manager Michael J. Beck
City Attorney Michele Beal Bagneris
Acting Assistant City Clerk Latasha Reese

**PUBLIC COMMENT ON
MATTERS NOT ON THE
AGENDA**

The following individuals expressed concerns regarding the recently released Office of Independent Review's (OIR) report pertaining to the Kendrec McDade officer-involved shooting:

Joe Brown, residence not stated
Hilda Boulware, All Saint's Church, submitted written material

Dale Gronemeier, Coalition for Increased Civilian Oversight of the Pasadena Police (CICOPP)
Vance Martin, CICOPP
Elbie Hickambottom, National Association for the Advancement of Colored People (NAACP) - Pasadena
Tarek Shawkey, CICOPP
Michelle White, Pasadena resident/American Civil Liberties Union (ACLU) Police Practices Committee
Anya Slaughter, residence not stated
Jeannette Miyamoto, All Saint's Church
Robert Cristo, Clergy & Laity United for Economic Justice (CLUE)
Juliana Serrano, All Saint's Church
Ed Washatka, ACT Pasadena
Reverend Hannah Petrie, Neighborhood Unitarian Universalist Church/CICOPP
Kris Ockershauser, ACLU
Reverend John Bledsoe, Interdenominational Ministerial Alliance of Greater Pasadena
Gary Moody, NAACP – Pasadena
Jasmine Richards, Black Lives Matter – Pasadena
Miguel Guillemos, residence not stated
Alastair Reeves, Pasadena resident
Lisa Cody, All Saint's Church

The following individuals spoke in support of the Police Chief/Pasadena Police Department, expressed concerns, and/or, commented on various issues/needs in the community:

Nat Nehdar, Pasadena resident
Pastor William Turner, New Revelation Church
Hovannes Sarkissian, Pasadena Armenian Policed Advisory Council (PAPAC)
Jill Hawkins, Pasadena resident
Bob Reiter, Pasadena resident
Pastor Kerwin Manning, Pasadena Church
Ricky Pickens, Altadena resident
Pastor Jean Burch, Pasadena resident

Bobby Crees and Dave Llanes, representing the Pasadena Police Officers Association (PPOA), expressed concerns with several of the findings noted in the OIR report, and spoke in support of the Police Chief, Pasadena Police Department, and PPOA.

Hakem Caspers, Pasadena resident, spoke regarding his business "Caspers Foundation", requested the City's support for his business, and submitted written material.

The Mayor noted that a Special Joint Meeting of the Public Safety Committee and City Council is scheduled for Monday, December 7, 2015, to allow for a full public discussion regarding the OIR report.

Councilmember Hampton requested that staff provide to the City Council a diagram and a "timeline of events" as it relates to the Kendrec McDade shooting at the upcoming scheduled meeting.

Councilmember Gordo welcomed the opportunity for a full discussion examining the OIR report, but expressed strong concern with some of the public comments, specifically as it relates to the City hiding information and claims that the involved Police Officers intentionally set out to "murder" someone, and encouraged everyone to be open and to work together.

CONSENT CALENDAR

Item discussed separately

AUTHORIZE ISSUANCE OF A ONE-YEAR PURCHASE ORDER WITH EWING IRRIGATION PRODUCTS FOR THE PURCHASE OF IRRIGATION SUPPLIES FOR A NOT-TO-EXCEED AMOUNT OF \$85,000 ANNUALLY AND FOUR ADDITIONAL ONE-YEAR PURCHASE ORDERS

FINANCE COMMITTEE: AUTHORIZATION TO AMEND CONTRACT NO. 20,914-2 WITH CONNEXIONZ, LTD. TO INSTALL SURVEILLANCE CAMERAS ON THE CITY OF PASADENA TRANSIT FLEET

Recommendation:

- (1) Find that the amendment of Contract No. 20,914-2 with Connexionz, Ltd. is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301, Existing Facilities;
- (2) Authorize the City Manager to amend Contract No. 20,914-2 with Connexionz, Ltd. for an additional \$325,917 for the purchase and installation of a surveillance system on the City of Pasadena transit fleet, for an amended contract amount not-to-exceed \$1,717,236 for the deployment of the real time transit vehicle arrival information system (TVAIS); and
- (3) Approve a journal voucher appropriating \$75,917 in Fund 209 Proposition C Local Transit Fund to the Pasadena Transit on Board Security Surveillance Camera System (75081) project in the Fiscal Year 2016 Capital Improvement Program (CIP) Budget. (Contract No. 20,914-3; Budget Amendment No. 2016-13)

MINUTES APPROVED

September 28, 2015

CLAIMS RECEIVED AND FILED

Claim No. 12,522 Kim Mays	\$ 219.00
Claim No. 12,523 William and Danette Stein	103.68

Claim No. 12,524	Law Offices of Nadine M. Sayegh, representing Amalia Orosco	10,000.00+
Claim No. 12,525	Lee, Previant, Cellino & Barnes, representing Ross P. Siviglia	25,000.00+

It was moved by Councilmember Kennedy, seconded by Councilmember McAustin, to approve all items on the Consent Calendar, with the exception of Item 1 (Authorize Issuance of a One-Year Purchase Order with Ewing Irrigation Products for the Purchase of Irrigation Supplies), which was discussed separately. (Motion unanimously carried) (Absent: None)

**CONSENT ITEM
DISCUSSED SEPARATELY**

AUTHORIZE ISSUANCE OF A ONE-YEAR PURCHASE ORDER WITH EWING IRRIGATION PRODUCTS FOR THE PURCHASE OF IRRIGATION SUPPLIES FOR A NOT-TO-EXCEED AMOUNT OF \$85,000 ANNUALLY AND FOUR ADDITIONAL ONE-YEAR PURCHASE ORDERS

Recommendation:

- (1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15601(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;
- (2) Accept the bid dated November 3, 2015, submitted by Ewing Irrigation Products in response to the Notice of Inviting Bids to Furnish Miscellaneous Irrigation Supplies; and
- (3) Authorize the issuance of a one-year purchase order with Ewing Irrigation Products, in an amount not-to-exceed \$85,000 annually with an option for four additional one-year purchase orders, at the discretion of the City Manager, for a maximum contract length of five years, for the purchase of irrigation supplies.

Councilmember Hampton commented on "blanket" contracts, and requested that additional information be provided in the City Manager's Weekly Newsletter regarding the number of these types of contracts that have reached the maximum not-to-exceed amount or threshold.

Following discussion, it was moved by Councilmember Gordo, seconded by Councilmember McAustin, to approve the staff recommendation. (Motion carried with Councilmember Hampton objecting.) (Absent: None)

**REPORTS AND COMMENTS
FROM COUNCIL
COMMITTEES**

MUNICIPAL CODE AMENDMENTS: LOCAL REGULATION OF MEDICAL MARIJUANA CULTIVATION AND DELIVERY

Recommendation:

- (1) Find that the proposed Pasadena Municipal Code Amendments are exempt from environmental review under PUBLIC SAFETY COMMITTEE

Section 15061(b)(3) (General Rule) of the California Environmental Quality Act ("CEQA"); and
(2) Direct the City Attorney to prepare and return with an ordinance within 30 days adding new sections to Chapter 8 of the Pasadena Municipal Code that prohibit the cultivation and delivery of medical marijuana in the City.

Steve Mermell, Assistant City Manager, introduced the agenda item and summarized the agenda report as part of a PowerPoint presentation.

Councilmember Kennedy, Chair of the Public Safety Committee, noted the importance to preserve the City's rights to regulate matters related to the cultivation and delivery of medical marijuana, and urged an affirmative/positive vote on the matter.

Councilmember Wilson suggested that the City Council thoroughly discuss the broader policy issues related to medical marijuana at a future meeting, and recommended that a timeframe be established for the Public Safety Committee to review the City's policy position on the matter prior to City Council consideration, with Councilmember Kennedy stating his support for the suggestion.

Following discussion, Councilmember McAustin stated that the proposed action is an important first step for the City and agreed that the broader discussion should be considered by the City Council, but disagreed on the need to set a timeline at this point given the Public Safety Committee's current workload, and suggested that the matter be included as part of the City Council's future work plan instead.

The following persons spoke in opposition to, expressed concerns with, and/or provided suggestions regarding the proposed action:

Rich Rygg, Pasadena resident
Sunny Chan, Good Leaf Collective
Michele Brooke, Pasadena resident, submitted material
Yamileth Bolanos, Pasadena resident
Heidi Sulzdorf, Pasadena resident
Josh Aizenberg, Pasadena resident
Michelle White, Affordable Housing Services (AHS)
Sergio Tellez, Pasadena resident

MOTION

It was moved by Vice Mayor Masuda, seconded by Councilmember Kennedy, to approve the staff recommendation, with staff to consider the matter again in the future after the ordinance is effective.

AMENDED ORIGINAL
MOTION

Following discussion, it was moved by Vice Mayor Masuda, seconded by Councilmember Kennedy, to amend the original motion to approve the staff recommendation, with the Public Safety Committee to review the City's overall policy regarding medical marijuana cultivation, delivery, and dispensaries in calendar year 2016. (Motion unanimously carried) (Absent: None)

**RECOMMENDATIONS FROM
OFFICERS AND
DEPARTMENTS**

**BUDGET WORKSHOP TO CONSIDER PRIORITIES FOR
FISCAL YEAR 2017 BUDGET PREPARATION**

Recommendation: The agenda report has been prepared to assist the City Council in setting priorities for the Fiscal Year (FY) 2017 Operating and Capital budgets.

Matthew Hawkesworth, Director of Finance, introduced the agenda item and reviewed the agenda report as part of a PowerPoint presentation, and responded to questions.

In response to Councilmember Hampton, the City Manager stated that he will provide specific information regarding workers compensation claims and increased costs.

Councilmember Gordo inquired about Tourism Business Improvement District (TBID) revenues, and asked staff to provide information regarding the total amount of TBID revenues raised.

Councilmember Madison was excused and left the meeting at 9:55 p.m.

Discussion ensued on possible changes in the agreement between the City and the Pasadena Center Operating Company (PCOC) regarding the distribution of collected Transient Occupancy Tax (TOT) revenues, whether or not the City has plans to rely on reserves to offset the projected negative net income in the next few years, and potential impacts to the budget as a result of Assembly Bill (AB) 109 and Proposition 47.

Councilmember Gordo commented on the approximate \$3 million in debt service as a result of the defeasance of several infrastructure bonds, requested staff to provide information on what projects were part of the 2008 bonds to be paid off in 2020, and inquired about the expected \$50 million in bond proceeds and what portion of the work involving replacement, expansion, and/or rehabilitation of aging fire stations would the proceeds be able to address.

The Mayor and Councilmember McAustin cited concerns regarding the City's debt levels.

Councilmember Gordo was excused and left the meeting at 10:40 p.m.

Councilmember McAustin stated that the projects identified by staff as high priorities (Fire station replacements, expansions and upgrades; Computer Aided Dispatch system replacement

for the Police Department; Improvements to the City Yard facilities; Transportation Maintenance Facility) are “good priorities” and probably should be the City’s focus when utilizing anticipated bond proceeds and/or potential capital dollars that may be achieved as a result of Senate Bill (SB) 481 lawsuit, noted the need for more clarity as it relates to the number of components associated with Fire Station projects (administrative offices, training center, etc.), expressed concern regarding the potential establishment of a \$15 local minimum wage and its impact on the City’s budget, and urged staff to consider the impacts of minimum wage in the City’s 5-Year Forecast of expenses.

Following discussion, Councilmember McAustin expressed concern regarding the potential for a \$2 million deficit at the end of the current fiscal year due to costs associated with several one-time special projects, and requested that staff bring the matter forward to the Finance Committee for review once the revenue numbers are adjusted at the end of the calendar year.

In response to Councilmember Kennedy, Mr. Hawkesworth noted that he will continue providing future updates to the City Council on the costs associated with the Glenarm Repowering Project together with the General Manager of Water and Power.

Councilmember Wilson and the Mayor noted the need to better communicate with the public regarding the actual state of the City’s budget given the appearance of an improved economy, with Councilmember Wilson suggesting that such information be included as part of the City Council’s outreach to constituents at district meetings.

The Mayor commented on the many unfunded approved capital improvement projects, commended the City Manager for highlighting the high priority project items, and agreed on the need to find some mechanism to fund the projects. He also mentioned that the specific recommendations and priorities will be discussed at a future Finance Committee meeting.

Councilmember Hampton commented on the list of high priority projects presented to the City Council, and stated that he is interested in knowing what other projects were considered but not recommended as a high priority.

Michelle White, Affordable Housing Services (AHS), spoke regarding affordable housing to request that it be included as a high priority item, noting that the need for affordable housing is great, and provided suggestions to assist with supporting affordable housing issues. She also made several other comments related to funding priorities.

Following discussion, Councilmember Kennedy asked staff to provide an update to the City Council on any Planning Commission discussions related to the creation of a Housing Commission, with the City Manager stating that the Planning Commission has not yet heard the issue but that the Commission is working on a schedule to consider the matter. However, he noted that staff is working to identify additional income sources for affordable housing and mentioned that further information is forthcoming to the City Council in the near future.

By consensus and on order of the Mayor, the information was received and filed.

COUNCIL COMMENTS

Councilmember McAustin announced that the City was the host agency for the 2015 California Transit Association Conference, highlighted some of the event's activities. She also reported on a recent meeting with Brian Kelly, California Secretary of Transportation, that included herself and members of the 5-Cities Alliance, to discuss/request eliminating the 710 Freeway Tunnel Alternative in the Environmental Impact Report (EIR).

Councilmember Hampton reported on a recent successful community event, "North Fair Oaks Jobfest and Empowerment Initiative", held on Saturday, November 21, 2015; invited the City Council and the community to the "Miracle Grow" planting event at John Muir High School on November 24, 2015, at 7:00 p.m., and highlighted some of the event's scheduled activities.

Councilmember Wilson briefly reported on a meeting of the Economic Development and Technology Committee regarding the potential establishment of a \$15 local minimum wage, which included input from four experts (2 advocating for and two against) the minimum wage progression to \$15.

Councilmember Kennedy thanked the City staff for their great work and participation at his District 3 community meeting held on November 18, 2015, which he noted had 650 attendees, and highlighted several topics discussed.

The Mayor commented on three events he attended: "13th Annual Operation Gobble Gobble" on November 21, 2015, in which 450 Thanksgiving turkeys and other related food items are distributed to local human services agencies for needy families; Villa Park Community Gardens event, which is a program developed by the non-profit Pasadena Community Gardens Conservancy in conjunction with the Los Angeles County "Little Green Fingers" program; and the City's Public Health Department's "Point of Dispensing" (POD) exercise,

which is an exercise to test and strengthen local area preparedness and response plans in the event of a potential public health outbreak.

The Mayor reminded everyone about the upcoming community meeting at the Pasadena Convention Center on December 1, 2015, at 7:00 p.m., to discuss the City's preparation for the anticipated El Nino event.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 11:15 p.m.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk